

REMARKS

In response to the Office Action dated June 24, 2009, Applicant respectfully requests reconsideration. In this paper, claims 1, 2, 13, and 14 have been amended to more particularly define Applicant's contribution to the art, to address the claim rejection under 35 USC § 112, and to resolve the objections raised in the Office Action. Claims 3-12 and 15-18 have been cancelled without prejudice and new claims 19-24 have been introduced. The drawings have been amended to address the objections in the Office Action by replacing sheets 1/7 and 2/7 with two replacement sheets of drawings containing FIG. 1 and FIG. 2 and bearing "PRIOR ART" legend . The specification has been amended to address the claim rejection under 35 USC § 112 by clarifying the term "circumstance". No new matter has been added. Support in the specification for the claim amendments and the new claims can be found, for example:

- for amendments to claims 1 and 13 on page 4, lines 26-33;
- for amendments to claims 2 and 14 on page 5, lines 1-17;
- for new claims 19-24 on page 3, lines 6-25; page 5, lines 34-36 and page 6, lines 1-7.

I. **Overview of Embodiments of the Invention**

The present invention discloses a method and system that could automatically adjust its luminous intensity according to the luminous intensity of a "circumstance", i.e. the ambient light sensed by the system.

Particularly, the method and system control an illuminating apparatus incorporating multiple luminaries, where each of the luminaries has a predetermined luminance output, by sampling and communicating a circumstance luminous intensity to a light source controlling apparatus, which activates a number of the luminaries corresponding to the circumstance luminous intensity. Additionally, the system compares two successively detected values of the luminous intensity of the circumstance. If the difference between the values is smaller than a predetermined value, the sampling frequency is decreased, and if the difference is greater than another predetermined value, the sampling frequency is increased.

II. Claim Objections

It is believed that Applicant addressed all of the objections in the amendments to the claims.

III. Claim Rejections Under 35 U.S.C. §112

Claims 1-18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection has been addressed by amending the specification to clarify the term "circumstance," used in the Applicant's disclosure. No new matter has been added, because the usage of the term "circumstance" throughout the specification is consistent with its clarified meaning, i.e. "ambient light as sensed by the system." Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

Claim 12 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claim 12 has been cancelled, rendering this rejection moot.

IV. Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 4, 6, 7, 13, 14, and 16-18 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Applicant's admitted prior art, Figs. 1 and 2. Further, Claims 4, 5, 8, 10 and 11 are rejected as allegedly being anticipated by Helms (Patent No. 5,760,760), cited by Applicant. Applicant respectfully traverses these rejections, to the extent they are maintained over the claims as amended.

A. Overview of Prior Art

According to the description of Applicant's Fig. 1, "[a] luminance controlling signal to be sent to the light control device 130 which adjusts the luminance of the light source according to the received luminance controlling signal" (page 1, lines 32-36), i.e., even if the light source incorporates multiple luminaries, it is controlled as a single entity.

Similarly, according to the description of Fig. 2, each of selection switches (S_1, S_2, \dots, S_N) activates certain luminance level of all the luminaries (L_1, L_2, \dots, L_M) i.e. "By setting different switches to the connection state, the currents through the luminaries or the voltages applied to

the luminaries are made different, thereby, the luminance of the luminaries is adjusted” (page 2, lines 15-18).

Helms discloses that “signals are correlated to predetermined automatic brightness control values for use in controlling the output of the backlight driver circuit which determines the brightness level of the LCD” (col. 2, lines 12-16). In particular “A plurality of automatic brightness level (“ABL”) signal values, each of which corresponds to a particular one of a plurality of various possible AL signal values, are stored in the memory” (col. 3, lines 51-54) and further “[t]he ABL signal values are stored in the memory 204b as a lookup table indexed by the input AL signal value, such that input of an AL signal thereto via the microprocessor 204a results in the output therefrom of the corresponding ABL signal” (col. 3, lines 59-64). In other words, the output signal controls luminance output of all LCDs indiscriminately that is also illustrated by Fig. 2 of Applicant’s disclosure.

B. Claim 1

Independent claim 1, as amended, recites a system for controlling an illuminating apparatus incorporating multiple luminaries comprising, *inter alia*, “[e]ach of said multiple luminaries has a **predetermined luminance output** ... and said light source controlling apparatus activates a **number of the luminaries** of the plurality of luminaries based at least in part on said value of luminous intensity.”

Prior art acknowledged in Figs. 1 and 2 of Applicant’s disclosure and Helms teach neither that “**each of said multiple luminaries has a predetermined luminance output**” nor that a control device activates a **number of the luminaries based at least in part on said value of luminous intensity**,” as claimed by Applicants. Accordingly, for at least these reasons, Applicant’s respectfully submits that the prior art fails to teach or suggest every element of claim 1. Therefore, for at least this reason, claim 1 patentably distinguishes over the prior art and is allowable. Withdrawal of the rejection of claim 1 is therefore respectfully requested.

C. Claim 13

Independent claim 13 is directed to a method comprising a step of “[a]ctivating a number of the luminaries ... **based at least in part on said control signal**”. For reasons that should be appreciated from the above discussion of the prior art in connection with claim 1, the prior art does not teach or suggest all limitations of claim 13. Therefore, for at least this reason, claim 13 patentably distinguishes over the prior art and is allowable. Withdrawal of the rejection of claim 13 is therefore respectfully requested.

D. Claim 21

The following discussion is a bona fide effort by Applicant to advance the prosecution of this application. New independent claim 21 is directed to a system for controlling an illuminating apparatus incorporating at least one luminary wherein, *inter alia*, “[s]ensing apparatus communicates to said light source controlling apparatus an **analog signal corresponding to a luminous intensity of a circumstance, and said light source controlling apparatus adjusts the power consumption based at least in part on said analog signal**”.

Prior art acknowledged in Figs. 1 and 2 of Applicants' disclosure and Helms all teach *converting* the analog signal to a digital form and, after certain processing, use resulting digital signal to switch on a corresponding preset luminance output. It appears, there is no suggestion in the prior art of record of these features of claim 21. Therefore, for at least this reason, claim 21 patentably distinguishes over the prior art and is allowable.

E. Dependent claims 2, 14, 19-20 and 22-25

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any dependent claim is proper. Therefore, Applicants reserve the right to further address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, please charge any deficiency to Deposit Account No. 14/1270.

Dated:

December 15, 2009

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